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CLIENT/MATTER:	Application No. 09/493,517 (JGR 1012-1)
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Atty Docket No. JGR 1012-1

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Lynne M. Milliot

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Matthew FUCHS et al.

Application No.: 09/493,517

Confirmation No.: 2359

Filed: 28 January 2000

Title: **SYSTEM AND METHOD FOR SCHEMA  
EVOLUTION IN AN E-COMMERCE  
NETWORK**

Group Art Unit: 2176

Examiner: Maikhahanh NGUYEN

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MAIL STOP APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Sir:

In connection with the Notification of Non-Compliant Appeal Brief mailed on 11 January 2006 regarding the above-identified U.S. patent application, Applicants submit the following response.

Should it be determined that any fees are required with the filing of this response, the Commissioner is hereby authorized to charge those fees to Deposit Account No. 50-0869 (Attorney Docket No. JGR 1012-1).

**Application No. 09/493,517****Atty Docket No. JGR 1012-1**

In the Notification of Non-Compliant Appeal Brief mailed on 11 January 2006 (hereafter the "Notice"), the Examiner states that the "Summary of claimed subject matter" contained in the Appeal Brief is defective pursuant to 37 CFR 41.37 because each claimed function in independent claims 14, 25 and 31 is not set forth with reference to the specification by page and line number and to the drawings, if any, by reference characters.

Applicants do not understand the Examiner's position. Submitted with this response are the annotated pages of the Corrected Appeal Brief filed on 2 November 2005, in which Applicants have referred to specific pages and/or figures in summarizing the claimed subject matter and/or function in independent claims 14, 25 and 31. We have circled the page and figure references for clarity. We also provide the referenced figure and application pages. Please call if you really think that we need to do more.

**CONCLUSION**

The undersigned can ordinarily be reached in his office at (650) 712-0340 between 8:30 a.m. and 5:30 p.m. PST, Monday through Friday, or on his cell phone at (415) 902-6112 most other times.

The Commissioner is hereby authorized to charge any fees that are determined to be due in connection with this communication to our Deposit Account No. 50-0869 (Attorney Docket No. JGR 1012-1).

Respectfully submitted,



Ernest J. Beffel, Jr., Reg. No. 43,489  
Attorney for Patent Owner

Dated: 13 January 2006

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**COPY****I. REAL PARTY IN INTEREST**

The real party in interest is JGR Acquisitions, Inc., the assignee of record.

**II. RELATED APPEALS AND INTERFERENCES**

There are no known appeals or interferences relating to this case.

**III. STATUS OF CLAIMS**

Claims 14-35 are pending in the application. All have been rejected and all of the rejections are subject to this appeal.

**IV. STATUS OF AMENDMENTS**

No amendments were filed subsequent to the Final Office Action (FOA) from which this appeal is taken.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

There are three independent claims, numbers 14, 25 and 31 which are addressed individually. Dependent claim 16 also is addressed. For this appeal, we group claims 15, 19 and 20-24 with claim 14. Claims 17 and 18 are grouped with claim 16. Claims 26-30 are grouped with claim 25. Finally, claims 32-35 are grouped with claim 31.

**Claim 14** presents a method of extending a definition of a first tag used in a first electronic document, wherein the electronic document is encoded in a markup language, and the document is stored on a server in a computer network. The method includes three phases operating on data structures such as those illustrated in FIG. 2. First, defining the first tag in a first schema, wherein the definition of the first tag includes a plurality of elements from the markup language. Second, defining a second tag in a second schema, wherein the definition of a second tag includes the plurality of the elements from the markup language and an additional element from the markup language. And third, accessing the first schema and second schema in the first electronic document, wherein the first tag and the second tag are used to encode text within the first electronic document. See, e.g., Application at pp. 14-15.

**Claim 16** adds to claim 14 the limitation that the second tag is used in a place reserved for the first tag. See, Application at pp. 14-15.

Application No. 09/493,517

**COPY**

Atty Docket No.: JGR 1012-1

**Claim 25** describes a computer network system for processing a document instance of a markup language. This computer system comprises the following elements: a means for defining a first schema in the computer network system; a means for extending a definition of an element in the first schema by use of a second schema residing on the computer network system; and a means for importing the second schema into the document instance. Each of the elements of claim 25 is in means plus function form, the means including data structures in memory of a computer network system for processing a document instance. The structures corresponding to means for defining a first schema include an enhanced schema language, described on pp. 13 *et seq.* of the specification. See, FIG. 2. The structures corresponding to means for extending a definition of an element include the extends statement illustrated in the example on pp. 14-15. See, FIG. 2, ref 204. The structures corresponding to means for importing the second schema into the document instance include URNs, URIs and URLs directly or indirectly specified in an XML document, as illustrated on pp. 22-25. See, FIG. 2, ref 212, 214. Alternatively, the means include a processor responsive to data structures specifying definitions, extensions and imports.

**Claim 31** describes a method operating in computer network system comprising a plurality of servers. The method applies to interpreting an XML document, the XML document residing on a first server from the plurality of servers. The method proceeds with accessing a first schema from a second server in the plurality of servers, wherein the first schema defines one or more elements used in the document instance. The method includes accessing a second schema from a third server in the plurality of servers, wherein the second schema extends at least one element from the one or more elements used in the document instance. See, e.g., FIG. 2; Application at pp. 14-15.

#### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether it was improper to reject claim 31 under 35 U.S.C. § 103(a) as being unpatentable over W3C, "XML Schema part 1: Structure," 06/05/1999 (W3C), as cited in Applicants' IDS filed on 12 November 2002?

Whether it was improper to reject claim 25 under 35 U.S.C. § 102(a) as anticipated by W3C?

**COPY**

file called *CBL.sox* 216; the acronym CBL stands for "Common Business Library." The

*PurchaseOrder.sox* schema 200 includes an identifier 202 for *CBL.sox* 216. *CBL.sox* 216 includes a tag <Address> for supporting addresses. The <Address> tag has as sub-elements:

5           <Name>  
              <Street>  
              <City>  
              <PostalCode>

Suppose that <Address> is utilized by document instances of type *PurchaseOrder*  
10 and that a particular trading partner ACME wishes to make a simple extension to the  
<Address> element used in *PurchaseOrder.sox* 200. In particular, ACME wishes to  
extend the *PurchaseOrder.sox* 200 schema to allow the <Address> element to contain  
telephone numbers. As illustrated below, the present invention enables such an extension  
15 of the <Address> tag; the polymorphism feature allows the extended <Address> tag to be  
used in instance documents of type *PurchaseOrder*, while preserving the integrity of the  
*PurchaseOrder.sox* schema and the existing instance documents of that type.

The <Address> tag may be extended by using the SOX schema language to create  
a small document type *ContactAddress*, whose corresponding schema *ContactAddress.sox*  
204 extends the *CBL.sox* 216 definition of <Address> to include a telephone number. The  
extended tag, or element, is referred to as <Contact>, and this element is defined in  
*ContactAddress.sox*, which is given as follows:

<schema uri = "ContactAddress.sox">  
    <namespace prefix = "CBL" uri = "CBL.sox"/>  
    <elementtype name = "Contact">  
        <extends prefix = "CBL" type = "Address">

25

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<append>  
<element type = "PhoneNumber" occurs = "\*" />  
</append>  
</extend>  
</elementtype>  
</schema>

5

The new document type *ContactAddress* includes an identifier 206 for *CBL.sox*

216. A document instance 208 of type *PurchaseOrder* incorporates the new <Contact>  
10 tag by import statements which reference the schemas *ContactAddress.sox* 204 and  
*CBL.sox* 216 respectively. Note that the <Contact> tag may be used in any place in the  
document instance reserved for the original <Address> tag.

The benefits of polymorphism are apparent from this example: we have extended  
the <Address> tag to create the <Contact> tag by writing a new, short document type  
15 *ContactAddress*. Thus the new document type *ContactAddress* extends the functionality  
of the original *PurchaseOrder* document type while preserving the integrity of  
*PurchaseOrder*.

Without support for polymorphism, extensions to the <Address> tag would require  
a rewrite of the *PurchaseOrder*. This would alter a fundamental document type which is  
20 an agreed upon standard amongst trading partners, one upon which a number of document  
instances and transactions are constructed, in order to accommodate a minor change. As a  
result, either (1) every trading partner would have to agree on the new *PurchaseOrder*, and  
software would need to be rechecked to ensure compliance with the new definition, or (2)  
the new schema would have a different name, and each time a trading partner wishes to